

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE SPITTAL,

Plaintiff,

No. CIV S-05-0749 FCD DAD PS

vs.

WILLIAM B. SHUBB, et al.,

Defendants.

ORDER

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Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On November 2, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten days. Plaintiff and defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 2, 2005, are adopted in full;
2. Defendants' motions to dismiss (Doc. nos. 6, 11 & 14) are granted;
3. Plaintiff's motions for summary judgment and re contempt (Doc. nos. 10 & 29) are denied;
4. Defendants' motion to have plaintiff declared a vexatious litigant (Doc. no. 23) is denied;
5. Plaintiff's amended complaint is dismissed with prejudice; and
6. The Clerk is directed to close this case.

DATED: November 28, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge